

**NEW
DEVELOPMENTS
IN CASE OF
FRANK
COME WITH A
RUSH
AFTER
RESENTENCE**

Repudiation of Testimony

**Given on Stand by
George**

**Epps Attacked in
Two Af-**

**Fidavits Furnished
Solici-**

**tor by Father and
Uncle of**

**Boy—Assert Youth
Says**

**His Statement
True and**

**He Was Trapped
Into Re-**

**pudiation While in
Birm-**

ingham.

***MURDER NOTES
WRITTEN***

***IN BASEMENT
ACCORDING
TO EVIDENCE FOR
FRANK***

**Paper on Which the
Notes**

**Were Written
Shows That**

**Frank Did Not
Dictate**

**Them in His Office
as**

**Conley's Story
Stated,**

**Says Defense—
Prisoner**

**Gives Out
Statement From**

**Cell in Which He
Again**

Asserts His Innocence. Outlook Comments on Case.

Developments came thick and fast in the Frank case Saturday afternoon and night.

First was the disclosure of two affidavits put in the hands of Solicitor Hugh Dorsey by George Epps, father of the ex-newsboy witness for the prosecution, and by the boy's uncle, W. H. Epps, of Eatonton, who swear that the youth confesses to having been trapped into making the sensational affidavit in which he recently announced his testimony.

Next was the release of newly discovered evidence by the defense to show that the murder notes found beside Mary Phagan's body were written in the basement of the pencil factory, and not on the second floor, as contended by the prosecution.

This new phase of evidence was developed from a casual examination of a photograph of the murder missives by Lemmie Quinn, a foreman in the pencil plant and witness for the defense, who claims to have discovered a heretofore unrevealed clew to the source of the famous notes, which form the most mysterious link to the entire tragedy.

NOT DISMAYED BY DEATH SHADOW.

Then, too, comes a statement written by the man in the Tower, in which Frank dramatically sets his case before the people of Georgia in a lengthy document, and in which he declares the shadow of death does not dismay him in the least. In the sight of God, he states, his innocence shall be proclaimed to the universe.

“In His name and by the honor which I hope shall be restored to me,” he writes, “and by everything which a man may hold sacred, I swear that I am innocent of crime.”

Persons who have followed the Frank case were decidedly interested Saturday in an editorial comment on the noted trial by The Outlook, which deals extensively with the crowds that flocked to the arraignment, and with the demonstrations which were stressed repeatedly in the various moves by the defense to gain a new trial.

“The intensity of hostility to the

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prisoner,” reads The Outlook’s editorial, in part, “seems to be wholly explained by the fact the victim of the murder was a working girl, and the accused was a factory manager. The working people of this industrial city, being convinced by newspaper reports of the truth of the accusations, felt the peculiar atrocity of a crime through which a girl meets death in defending her honor against her ‘boss.’”

Frank was resented to hang Saturday on April 17, his thirtieth birthday. Standing before Judge Ben Hill in the superior court prior to the pronouncement of his day of doom, the

convicted man made a poignant appeal to the court, putting his case before the justice in words that rang through the courtroom, which contained only a small gathering of persons, mostly newspaper reporters.

FRANK ASSERTS INNOCENCE.

"In your honor's presence," spoke Frank, in opening his dramatic speech, "representing human law, and in the presence of the Supreme Judge, who at this very moment is casting the light of His omnipotent eye upon me from His throne on high, I assert I am innocent of little Mary Phagan's death and have no knowledge of how it occurred."

The new murder note evidence has instilled great cheer into the prisoner's heart. The defense contends that they will show by the notes themselves that the copy paper on which they were written was obtained by the writer of the notes from the basement of the pencil factory.

It is asserted that the sheets of paper on which one of the notes was written bears the scarcely discernible name of Becker, an ex-attache of the Cotton States Belting and Supply company, for which firm the sheet had once borne an order. After being returned to the pencil factory, as contended by the Frank's counsel, it was thrown into the trash-pile in the basement, where it was found by Conley.

EPPS AFFIDAVIT.

The disclosure of the affidavits made by George and W. H. Epps was the first revelation of movements of the solicitor in

regard to recent developments in the Frank case. The documents were made Saturday afternoon at 3 o'clock in Hugh Dorsey's office in the Thrower building.

W. H. Epps, who is a prominent business man of Eatonton, Ga., where he is superintendent of the Putnam Power and Manufacturing company, came to Atlanta Saturday at noon for the explicit purpose of conferring with Solicitor Dorsey. At 3 o'clock the conference was held, but not with the solicitor himself, as Mr. Dorsey was out of the city.

Those in the conference were Assistant Solicitor General Edward A. Stephens, Detectives Pat Campbell and John Starns and a stenographer. The affidavits were dictated by the Epps brothers, and taken by John Corrigan, notary public. The uncle of the Epps boy had recently interviewed the youth in the state reformatory in Milledgeville.

W. H. Epps swears that on the night he learned of his nephew's repudiation of his testimony, and of his accusations against officers of the law, he immediately caught a train for Milledgeville, where he visited the boy.

Says Boy Was Trapped.

Upon asking young Epps why the affidavit had been made, the uncle states in his affidavit that the boy replied: "Uncle, I was trapped into it." He says that the witness was lured to Birmingham in November under the pretense of a prize-fighting engagement by a man who posed as a prize fighter, and who offered to carry the boy to New Orleans and New York in the prize-fighting game.

W. H. Epps, in concluding his affidavit, quotes his nephew as having said: "And, Uncle Henry, what I said up there at the trial in Atlanta was the real truth, every word of it." This statement from the youth, Mr. Epps swears, was obtained in the presence of his attorney, Roy Stubbs, of Eatonton, a former legislator and a candidate for solicitor general of Putnam County.

It is said that Mr. Stubbs will also be requested to come to Atlanta for the purpose of making a similar affidavit. Mr. Epps assured Mr. Stephens Saturday afternoon that the attorney would be prepared to make such a statement on a moment's demand. He would have come Saturday, said Mr. Epps, but for pressing affairs that required his presence in Eatonton.

George W. Epps, father of the ex-newsboy, swore in his affidavit that the boy was spirited from Atlanta without the knowledge of his family, and that the first the parents knew of his journey was when they received a letter from him in Birmingham, outlining his prize fighting ambitions. On the same day on which the letter was received the boy returned to Atlanta.

Statement of Boy.

He quotes George as having said upon his return from Birmingham:

"A boxer by the name of Mr. Terry had had me over in Birmingham. He carried me over Wednesday night. He was going to make a boxer out of me. He promised to pay me \$10 while I learned. We were stopping at the best of hotels and he was giving me plenty of money to spend."

Mr. Epps declared that the boy had told him nothing of the affidavit he had made in Birmingham. Last Friday morning at 2 o'clock, the father swears, Mr. Lovvorn, superintendent of the reformatory in which the boy witness is now confined, came to Atlanta and telephoned Mr. Epps.

"Mr. Lovvorn told me," the father swears, "that my boy had admitted to him that the part of the repudiating affidavit accusing Detective Black and Mr. Dorsey was false." Consequently, it is said that the prosecution will obtain an affidavit supporting this from the reformatory head.

Both affidavits were given to The Constitution last night by W. H. and George W. Epps. Neither Solicitor Dorsey nor his assistant, Mr. Stephens, would talk regarding them. They had

nothing to say of the conference held with the Epps brothers, both whom were given duplicate copies of their affidavits.

No statement would be made by the solicitor. Whether he has other similar evidence is not known. He would neither deny nor affirm the report that he and his staff—including Detectives Black, Starnes and Campbell—were investigating other newly discovered evidence of the defense.

W. H. Epps told a reporter for The Constitution last night at the Piedmont hotel that the only reason he had taken a hand in the Epps phase of the Frank developments was in effort to vindicate his family. He declared that he suspected something wrong in his nephew's repudiation from the outset.

"I am sorry that the whole business arose," he said. "A principal object in sending the boy to the reformatory was to get him out of all this disagreeable limelight which was doing him great injury. Having sent him there, however, seems to have caused even more unpleasant notoriety. I believe now, though, that we all have been exonerated, for the truth has become known."

The boy's father was vehement in his attitude toward the men who are alleged to have lured the youngster to Birmingham under the prize fighting pretense. In talking to a reporter for The Constitution last night he showed a fighting spirit, but declared he would take no legal action.

AFFIDAVIT OF UNCLE.

The affidavit of the uncle is as follows:

"GEORGIA, FULTON COUNTY, March 7, 1914.—On the night that the George Epps' affidavit was published I read the account and, knowing that it was false, I consulted with friends of mine at

once, and they advised me to get my attorney and go to Milledgeville and look into the matter.

“The following morning my attorney, Roy Stubbs, and I went to Milledgeville and went to the reformatory and saw George in the office. He seemed to be very excited when he came in where I was. After a few words of greeting between us, I asked him about this affidavit and what it meant, and he said: ‘Why, Uncle Henry, it’s the same one they got in Birmingham and they brought it to me here already typewritten out and I just signed it.’”

“I then asked him about how he happened to make any affidavit in Birmingham, because I didn’t know he had ever been over in Alabama, and he said: ‘A man named Terry took me over there last November, promising to take me to New Orleans and let me work in a show. When I got to Birmingham there were three detectives who met us and went with us to a hotel. One of them gave his name as Detective Kelly, and this new affidavit is the same one they got me to make over there.’”

“I asked George what he meant by signing such an affidavit, and he said, ‘Uncle Henry, they trapped me and made me sign it.’ I told him that he ought, not to have signed any affidavit that was not true, and the answer he gave again was. ‘They just trapped me.’ Then he added, ‘And, Uncle Henry, what I said up there at the trial in Atlanta is the real truth, every word of it.’”

“Sworn to and subscribed before me, this March 7, 1914.”

“JOHN CORRIGAN.”

“Notary Public, Fulton

County.”

AFFIDAVIT OF FATHER.

The affidavit of George W. Epps, the father, is as follows:

“Georgia, Fulton County, March 7, 1914—On the Sunday night after Mary Phagan was killed, Mr. Minor, The Georgian reporter, and I went out to see my little girl, and while we were talking to her about it, George spoke up several times and tried to tell something, and I made him hush because I didn’t want my family mixed in it. I finally sent him over to Mrs. Reed’s, where my wife was, and Mr. Minor and myself and little girl came uptown on the car to have a picture taken.”

“When we went back I got the boy and asked him what it was he waws trying to tell. He told me that Mary Phagan had told him riding on the street car with him that she was afraid of Mr. Frank and that he had winked at her. I said to him, ‘G. W., you keep out of this and have nothing to say whatsoever.’ His mother also cautioned him about not getting into it. This was the Monday night preceding the arrest of Frank.”

“On Monday night I saw in the paper where the boy had been interviewed by a reporter. I got a fellow to run my job and I went home at once on the car and scolded the boy for getting it after I had warned him against it. He said, ‘Papa, it’s just like this: I went to town with Mary on the car and had a date to see the Memorial parade with her.’ I asked him how they came to get hold of this.”

“He said, ‘Papa, I don’t know. Mr. Coleman got me and carried me up there and I just told him what I knew about it.’ It is true I scolded him, but I did not whip him, and such a thing never entered my mind. I said to him. ‘Now, look here, tell me the truth about this thing.’ And he said, ‘Papa, I hope I may die if I didn’t go to town with her and ride on the seat with her and get off at the Marietta street and Forsyth crossing with her.’”

“From my knowledge of my son, gained from living with him for fifteen years, I honestly believed him when he spoke as seriously as he did. According to my own information and what Mr. Black himself told me, this was a whole day before the boy ever saw Detective Black.”

“George was working at the Miller Messenger service at the time. Many nights he would stay uptown and wouldn’t come home. On Saturday afternoon, November 22, I saw G. W. standing on the sidewalk on Peach tree street across from the Georgian Terrace. I hadn’t seen him for two or three nights. I asked him where he had been. He said: ‘A boxer by the name of Mr. Terry had had me over in Birmingham, Ala. He carried me over Wednesday night.’”

“I asked him when he got back, and he answered: ‘This morning.’ I said: ‘What in the world were you doing in Birmingham with Mr. Terry?’ He said: ‘He was going to make a boxer out of me. He promised to pay me \$10 per week while I learned. We were stopping at the best of hotels and he was giving me plenty of money to spend. He said that he was going to carry me from Birmingham to New Orleans and from New Orleans to New York.’ George didn’t say anything about making an affidavit.”

“That same evening I met my wife uptown and she said, ‘Oh, do you know George is in Birmingham and going to New Orleans and New York?’ I said: ‘No, he isn’t, he’s in Atlanta.’ She then told me she had gotten a letter from him that day, telling her he was in Birmingham, getting \$10 a week from Mr. Terry and learning to be a boxer.”

“Neither my wife nor myself knew anything of George being taken to Birmingham until after he was back. He was taken without our knowledge or consent. And, furthermore, I believe that any statement of affidavit he made in Birmingham, conflicting with his testimony, was done under pressure.”

“While I knew the boy had made the trip to Alabama, learning it after his return, the first I knew of any affidavit he made over there was last Thursday night when my brother called me up from Eatonton, he having gone to Milledgeville and found out that day that an affidavit had been exacted from the boy in Alabama. The boy must evidently have been sworn to secrecy or he would have told me about it before.”

“Friday morning at 2 o’clock I had an interview at the Hilburn hotel with Mr. Lovvorn, the superintendent of the Milledgeville reformatory, about my son. He had come to Atlanta and called me up, and I went to see him at once. He told me that the boy had admitted to him that his statement about Black and Solicitor Dorsey in the affidavit was false.”

“Mr. Lovvorn said that he had objected as superintendent of the reformatory to the men interviewing the boy and they pulled out a paper and said: ‘Here, we’ve got an affidavit already signed by him in Birmingham, Alabama.’ Mr. Lovvorn asked them why they wanted it signed again, if it was already signed, and they said: ‘We got it signed in Alabama and now we want it signed in Georgia.’”

“After showing Lovvorn the type-written affidavit already signed by George in Alabama, he had nothing to do but let them see the boy, Lovvorn said. Lovvorn said that they read the affidavit so fast that he, himself, couldn’t understand it, let alone the boy, and that he had to call them down once or twice to read it slower.”

(Signed) “GEORGE W. EPPS.”

“Sworn to and subscribed before me this March 7,
1914.”

“JOHN CORRIGAN,
“Notary Public, Fulton
County.”

“Notes Written in Basement.”

Attorneys for the defense of Leo M. Frank on Saturday night released newly discovered evidence, which they will present in their motion extraordinary for a new trial to show that the “murder notes” which Conley swore were written in Frank’s office on the second floor were not written on the second floor, but in the basement, where the body of Mary Phagan,--beside which the notes were found, was discovered.

This evidence is in the form of an invoice from the Cotton States Belting and Supply company, bearing the number of the order black upon which one of the "murder notes" was written, and purporting to show that the order black was used between September 10 and 15, 1909, and was carried to the basement in a pile of trash in December, 1912, some five months before the murder.

An attempt to find the original order, of which the paper used for the note was a partly obliterated carbon copy, failed. This order should have been found, it is said, among the business papers on file in the offices of the Cotton States Belting and Supply company, but was probably lost when the supply concern moved from its quarters on South Broad street to its new quarters on Whitehall Street, or were lost in the fire which recently destroyed the Whitehall offices of that concern.

The note in question is the one which Conley declared on the stand was written last, and, although the paper is yellow, he insisted it was "green."

The sheet bears the order number "1018," and in the center of the page are traces of letters which would seem to form the word "Becker."

All Piled in Basement.

The defense claims that this, the original order of which this sheet was once a carbon copy, was made out to the Cotton States Belting & Supply company, between September 10 and 15, 1909, by H. F. Becker, who was at that time master mechanic of the factory. Becker subsequently resigned, it is claimed, in December 1912, and all the papers and trash which had accumulated in his office on the fourth floor were removed and piled in the basement of the building.

The argument of the defense upon the basis of this evidence will bet hat the second sheet of the order No. 1018 was carried into the basement with the other papers and trash, and that Conley found this second sheet there when he secreted the body

of Mary Phagan there and wrote the notes in the basement himself and placed them beside the body.

The possibility of the order having been made out by Leo M. Frank instead of by Becker, the defense holds, is out of the question for several reasons.

First. Becker had authority personally to make all orders for supplies for the mechanical department of the factory.

Second. The order number of all of Becker's orders by an arrangement whereby they might be distinguished in the pencil factory office, contained four digits, which was the number of digits in the order number of the second sheet on which the murder note was written. On the other hand, all orders made out by Frank contained five digits in the order number. In other words, the Becker numbers began with the thousand denomination, while the Frank order numbers began with the ten thousand denomination.

Third. There are still visible on the second sheet, on which the note is written certain traces of letters which would seem to have once spelled the word "Becker."

The date line on the yellow second sheet is unfilled, but it is evident that the sheet was designed for use before 1910, inasmuch as the printed figures and black are "190—."

The invoice by which the actual date of the order was identified was on file at the offices of the National Pencil factory, and is dated "9-16-09." The invoice is on the letter head of the Cotton States Belting and Supply company. The number of the order for which the invoice was made out is indicated by the following in the left-hand corner of the invoices, just beneath the letter head: "Your No. 1018 & 1019."

Here's the Order.

The order, was indicated by the invoice, was made out as follows:

“1 pc. $\frac{1}{2}$ X $2\frac{1}{4}$ X 18 in much steel.”

“1 pc. $\frac{5}{8}$ X 5 X 6 in much steel.”

The total of the bill was \$2.

The possibility of this second sheet order blank—that is, the paper itself—having a bearing on the Frank case, it is said was first called to the attention of the defense several days ago by Lemmie Quinn, an employee at the National Pencil company’s factory, and a prominent witness at the Frank trial, when he was examining the facsimile of the notes reproduced in a pamphlet about them recently published by Attorney Henry A. Alexander. Quinn who had long worked at the pencil factory, believed that he could distinguish the signature of ex-Master Mechanic Becker on the reproduced second sheet order blank, and he so informed the defense.

Detective C. W. Burke, who is employed by Luther Z. Rosser, senior counsel for the defense, ferreted out the history of the piece of paper.

The second sheet order blank contains thirteen lines for writing. The words of the murder note begin on the third line, skip then to the fifth line and skip again to the seventh line. After that they fill each of the remaining six lines, and there is one word, “me,” crowded upon the sheet margin underneath the thirteenth line.

Upon the blank sixth line of this sheet of paper tracings of what has once been a word are distinguishable. The tracings are believed to have once been the signature of Becker.

Order Blank Process.

The mechanical process of making out such an order blank as the one of which the second sheet is in question was stated last night to be as follows:

The maker of the order, said to have been Becker in the present instance, used a pad of order blanks, especially prepared

for the use of the National Pencil company, the blanks for each order being composed of two sheets, the first sheet a white and the second sheet a yellow one, a carbon being placed between.

The order was to be written upon the first, or white sheet, while the carbon would leave reproduction of the order upon the second, or yellow sheet, to be kept on file in the office of the pencil company. The maker of the order would then sign the order, and tear off the first, or white sheet, and give it to the person, presumably a drayman, who would carry it to the firm upon whom the order was made.

The second was to be written upon the first, or white sheet, while the carbon would leave a reproduction of the order upon the second, or yellow sheet, to be kept on file in the office of the pencil company. The maker of the order would then sign the order, and tear off the first, or white sheet, and give it to the person, presumably a drayman, who would carry it to the firm upon whom the order was made.

The second, or yellow sheet, would thus remain in the pad for future reference of the pencil factory, and when all the order blanks had been used the pad would consist entirely of second, or yellow, sheets.

There were two notes found beside the body.

Conley declared that the note on the second-sheet order blank was written last.

Believes Note Written First.

It is the opinion of Attorney Alexandre, however, that this note was the first written. He bases this upon the fact that in the beginning of the note the writer took plenty of space, skipping every other line for the first two lines of his writing, but after that used every line of the paper and crowded one word, the word "me," under the last ruled line of the page. The other note, however, begins well toward the middle of the piece of paper upon which it is written and stops several inches before the end of

the paper is reached. Mr. Alexander bases his theory upon these circumstances, declaring that the writer evidently began to write first upon the second-sheet order blank and hoped by crowding his words toward the end of the sheet to find room enough on it to say all he had to say, but finding the space not sufficient, he utilized the other scrap of paper, which is not nearly filled with writing.

The new evidence in regard to the murder notes was released last night by Mr. Alexander, who is not connected with the case further than being interested in an impersonal way.

He stated that the defense had no theory as to whether the writer of the notes had found the entire pad of the second-sheet order blanks, from which the original order blanks, from which the original order blanks had been used, and had torn this sheet off, or had merely found the one sheet.

Mr. Alexander desires it announced that his pamphlet is not for sale, but will be mailed free to anyone who will inform him of the address to which it is desired that it be sent.

FRANK'S STATEMENT.

Leo Frank's statement in court follows:

May it please your honor: I trust your honor will understand that I speak impersonally, addressing my words more to the bench as representing the majesty of the law of Georgia than to the gentleman now on the bench. I well know that your honor has naught to do with the various vicissitudes of my case.

In your honor's presence, representing human law, and in the presence of the Supreme Judge, who at the very moment is casting the light of His omnipotent and omni present eye upon

me, from His throne on high, I assert I am innocent of little Mary Phagan's death and have no knowledge of how it occurred.

Law, as we know it, your honor, is but the expression of man's legal experience. It is but relative. It tries to approximate justice. But being man-made is fallible! In the name of the law many grievous errors have been committed—errors that were colossal and irretrievable. I declare to your honor now that the state of Georgia is about to make such an error!

The law says that when one has lost his life through violence of another, the perpetrator of the deed must answer with his own. Let me be just. But the law does not say that where one is killed a blood sacrifice shall be made of the next convenient individual. If this latter obtains, then taking of such life is not justice! It is but murder legalized! Oh, what a terrible thing this is to contemplate!

Your honor is about to pronounce words that will thrust me over the abyss that separates our earthly existence from the higher life, the life eternal. I may shortly stand before the tribunal of the Higher Judge, of whom human minds have but the slightest conception. Before the tribunal I will be adjudged as I now am innocent and will receive the reward of those who suffer wrongfully on this earth!

False Stories Circulated.

Your honor, an astounding and outrageous state of affairs obtained previous to and during my trial. On the streets rumor and gossip carried vile, vicious and damning stories concerning me and my life. These stories were absolutely false and did me great harm as they beclouded and obsessed the public mind and outraged it against me.

From a public in this state of mind, the jury that tried me was chosen. Not alone were these stories circulated on the street, but to the shame of our community, be it said, these vile insinuations crept into my very trial, in the courtroom, creeping in insidiously, like a thief in the night.

The virus of these damning insinuations entered the minds of the twelve men and stole away their judicial frame of mind and their moral courage. The issue at bar was lost. The poison of the unspeakable things took its place.

Your honor, in this presence, and before God, I earnestly ask that God in His mercy may deal lightly with those who, unwittingly I trust, have erred against me, and will deal with them according to His divine judgement!

If the state and the law wills that

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***NEW
DEVELOPMENTS
IN CASE
OF FRANK***

Continued from Page Two.

My life be taken as a blood atonement for the poor little child who was ruthlessly killed by another, then it remains for me only to die with whatever fortitude my manhood may allow.

But I am innocent of this crime. And the future will prove it.

I am now ready for honor's sentence.

APPEAL BY PRISONER.

The prisoner's statement to the newspapers was written in Frank's cell shortly following the pronouncement of the death sentence. Frank did not seem to lose courage over the refixing of his death date. Instead, he seemed buoyant and hopeful throughout the afternoon. His statement is as follows:

To the People of Atlanta:

I am condemned. The shadow of physical death does not dismay me. If such be my end. I shall go to it without fear without qualm. I am a man born to face and endure that which the chance of Fate may bring. If my attitude, which I know, and which God knows, comes from the consciousness of innocence, is thought by the unfair and by the unthinking to be hardihood and brag, I cannot help it.

To those who would give a man a square deal, and to those who in their hearts with sympathy repeat, not "judge not, that ye be not judged," but the simple, old, always true and immortal golden rule, "Do unto others as you would have others do unto you"—I say, that moral death is my terror. I have lived in the open. I have told the truth. I have taken my chances. I have made some success. I brought order out of some chaos. I had a good name. I persuaded a good woman to share my fate. I met daily those with whom I did business, or those with whom I had social relations, and without reproach. My schoolmates and college fellows say that I was decent, my business associates that I was honest.

Was all this fabric reared on sand? Was I smarter than everybody else to deceive all of them all of the time?

“Swear That I am Innocent.”

In the sight of God and in his name, by the honor which I hope will be restored to me, by everything which a man may hold sacred, I swear that I am innocent of crime.

Am I asking commutation of sentence? I am not. Am I asking pardon for something that I did not do? I am not. Am I asking favorable interpretation of uncontroverted evidence? I am not.

I am asking at your hands that of which, in time, every person may stand in need—that which is square, is right, is necessary—that without which the dark ages would return and witchcraft again become a religion—a fair, square trial—with naught extenuated and with naught set down in malice, and to that I have a right.

Am I to be sacrificed to a political necessity? Am I to be a victim simply because some previously accused of crime have gone unpunished, and, therefore, somebody must be convicted of something?

Why Not a New Trial.

Is it not true that if I were guilty before and was properly proven so, that is easily possible by the same processes and by the same witnesses to prove it again? Is it not true that if I am not allowed to disclose to the world the dastardly conspiracy which has enmeshed me and am therefore hung—the, when truth outs, as truth has always done, every man, be he high or low, will stand in danger of that law which visits the sins of the father upon the children.

People, can you afford to take this responsibility—you who can render a reason for what you do? Are you not giving yourselves a chance when you give me a chance?

The Formby woman has repudiated her affidavit—that document which damned me irretrievably in the eyes of the public. This denial exists. This denial is true in spite of excuses and quibbling. Why was that first terrible affidavit used on the

public, but not used on the trial? Why was it permitted to be circulated to affect public opinion and to do its dirty work, without compelling those responsible for obtaining it to come out in the open and vouch for it? I know and you know, it was because it was feared that it would then and there be repudiated as it has now been. Is any other reason possible in the light of the recent revelations?

“Why Keep Conley Concealed?”

Why is Conley kept concealed from every person desirous of learning the truth? Why now, when he has had a sentence to punish that which he admits, is a new trial appealed for? Simply to keep him out of sight of anyone but those who trained him until after I am dead. That is why, and you who read this know it.

I believe that I am entitled to a new trial, a fair trial. Let those who have the right to pass on it know that I should have one, and I believe that I will get it. I am not pleading for my life. I am asking for a fair, square deal, with naught extenuated and naught set down in malice.

LEO M. FRANK.

OUTLOOK'S EDITORIAL.

The Outlook's editorial appears in the issue of March 7. It follows in full:

“A case involving defects in criminal procedure which are almost opposite in character to those shown by the Becker case has recently been decided in Georgia.”

“A young man, Leo M. Frank, who was convicted of murder last August, has been denied by the supreme court of Georgia the chance for a new trial.”

“It is declared that when he was tried certain newspapers of Atlanta, the city in which the trial took place, aroused by their stories popular animosity against the prisoner; that the courtroom was filled with a crowd hostile to the prisoner; that the jurors were forced to pass to and fro through the angry throng. The editors of the very newspapers, we are informed, that had been trying the case in their columns, so dreaded the consequences of popular excitement that they joined in a petition to the trial judge not to let the case go to the jury on a Saturday because of the possibility of violence if the verdict was brought in on a half-holiday.”

“The trial judge in declining to grant a new trial said that he, himself, was not certain whether the prisoner was guilty or innocent. From a number of citizens of Atlanta whose judgement we trust, we have asked for information as to the facts. From the answers we have received we think the following statements may be regarded as trustworthy:”

“First. The rumor that the popular hostility to the prisoner was due to the fact that he is a Jew seems to have little, if any, foundation.”

“Second. The intensity of the hostility to the prisoner seems to be wholly explained by the fact that the victim of the murder was a working girl and the accused was a factory manager. The working people of this industrial city, being convinced by newspaper reports of the truth of the accusation, felt the peculiar atrocity of the crime, through which a girl meets death in defending her honor against her ‘boss.’”

“Third. In the courtroom and in the street outside the ‘mob spirit,’ as one correspondent calls it, the ‘bitter hostility,’ as another calls it, ‘prejudice,’ as another calls it, ‘the public sentiment that made justice impossible,’ as still another calls it, was dominating. The crowd on some occasions cheered the prosecuting attorney when he appeared and, on other occasions, carried him on their shoulders. The polling of the jury was accompanied with cheers. Whatever the cause of this spirit, whether class feeling, race feeling or disapproval of the methods

of the prisoner's lawyers, its dominating presence in and about the courtroom seems to be undeniable. The mere fact that the judge approved the procedure of leaving the prisoner in jail when the jury brought in its very verdict is, on its face, an indication of the extent to which the spirit of popular animosity toward the prisoner prevailed in the courtroom."

"Fourth. Wholly apart from the conduct of the case in the courtroom, which was such as to raise grave doubts in the minds of several correspondents, the methods employed by the police and detectives are reported to us as being contrary to the spirit of fairness."

"We do not propose to go into the evidence, or try the case over again. That would be to fall into the error into which the local newspapers were allowed to sink. We do not even report the points made by our correspondents, which led several of them to think the evidence far from conclusive. We do believe, however, that if these facts are true, it is a matter of public duty to call attention to the danger of any such methods of criminal procedure. Lynching outside the courtroom, whether the victim be guilty or innocent, is bad enough, but anything which permits the lynching spirit to find the least entrance into the courtroom is even worse."

"If the courts cannot take cognizance of such conditions, what are the people of the state going to do about it?"

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Rosser Defends Interview

Answering Georgia Chamber

Luther Z. Rosser, counsel of Leo Frank, last night, gave out the following statement:

“The State Chamber of Commerce seems to resent a statement from me appearing in The New York Times.”

“The statement was certainly a conservative one. In dealing the circumstances militating against Frank, I said, in substance, that the fact that he was a Jew, and an employer, and a stranger, were against him.”

“Is there any thoughtful, fair-minded man or woman in the city of Atlanta who doubts that statement?”

“Here is an unfortunate man, whose friends believe that he was denied a fair, impartial trial. In looking for the reason, they honestly think that it counted against him that he was a Jew, a Jew employer and a stranger.”

“Is there anyone who will say that Frank being a Jew helped him? On the contrary, almost everyone knows that his being a Jew, and a Jewish employer of little girls would have been against him in almost every community.”

“That statement was not a charge against the city; it was the statement of a deplorable condition which exists almost everywhere. To ignore it, is to ignore every-day facts, recognized almost universally.”

“The Times’ interview stated facts existing in Atlanta at the time of Frank’s trial. But it was not meant, nor said, that such conditions were peculiar to the south. They exist, in a greater or less degree, in every community. Often peculiar circumstances

may, and do, bring them out to the regret of all conservative men and women.”

“Certainly, the fact that he was a stranger did him no good. During all ages, the fact that a man is a stranger in a strange land has grown into a proverb of lament.”

“That it is unfortunate to be a stranger in times of distress and trial, there will be few to deny. Nor is this peculiar to Atlanta or to the south. In no county can it be fairly said that a stranger is upon an equal footing with an old citizen.”

“The citizens of Atlanta cannot afford to be over-sensitive as to the Frank trial. There were incidents in that trial that no man who loves the state and city can approve no matter what he thinks of Frank.”

“The chamber of commerce can do the state of Georgia much good, but to be super-sensitive about plain potent facts will not help.”

“LUTHER Z. ROSSER.”
